

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1021

Introduced by Assembly Member Emmerson

February 27, 2009

An act to ~~amend Section 120335 of~~ *add Section 112046* to the Health and Safety Code, relating to ~~immunizations~~ *food safety*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1021, as amended, Emmerson. ~~Immunizations. Food processing establishments: suspension.~~

Under existing law, the California Food Sanitation Act, which is administered by the State Department of Public Health, a food processing establishment is required to satisfy prescribed sanitation requirements for purposes of food safety. A violation of these provisions is a misdemeanor.

This bill would permit authorized agents of the department who identify conditions likely to result in illness or injury at a food processing establishment to immediately suspend the license or registration of the food processing establishment and order the food processing establishment to close immediately pending an administrative hearing. The bill would require the department to provide a licensee or registrant with a written notice that contains prescribed information about the suspension and administrative hearing.

~~Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has~~

~~been fully immunized against various diseases, including hepatitis B and pertussis (whooping cough) as well as any other disease deemed appropriate by the State Department of Public Health, taking into consideration the recommendations of specified entities.~~

~~This bill would add to these entities the American Academy of Family Physicians.~~

~~This bill would also, remove certain of the immunization age and date restrictions.~~

~~Because the bill would add to the duties of certain local agencies it would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 112046 is added to the Health and Safety
- 2 Code, to read:
- 3 112046. (a) An authorized agent of the department who
- 4 identifies conditions likely to result in illness or injury at a food
- 5 processing establishment may immediately suspend the license or
- 6 registration of the food processing establishment and order the
- 7 food processing establishment to close immediately pending an
- 8 administrative hearing.
- 9 (b) Whenever a license or registration is suspended pursuant
- 10 to subdivision (a), the department shall issue a written notice to
- 11 the licensee or registrant setting forth the acts or omissions with
- 12 which the licensee or registrant is alleged to have violated,
- 13 specifying pertinent code sections, and informing the licensee or
- 14 registrant of his or her right to a hearing.
- 15 (c) At any time within 15 calendar days after service of the
- 16 written notice pursuant to subdivision (b), the licensee or registrant
- 17 may request, in writing, a hearing before a hearing officer to show
- 18 cause why the suspension is not warranted. The hearing shall be

1 *held within 15 calendar days of the receipt of a request for a*
2 *hearing. A failure to request a hearing within 15 calendar days*
3 *shall be deemed a waiver of the right to a hearing.*

4 ~~SECTION 1. Section 120335 of the Health and Safety Code~~
5 ~~is amended to read:~~

6 ~~120335. (a) As used in this chapter, but excluding Section~~
7 ~~120380, and as used in Sections 120400, 120405, 120410, and~~
8 ~~120415, the term “governing authority” means the governing board~~
9 ~~of each school district or the authority of each other private or~~
10 ~~public institution responsible for the operation and control of the~~
11 ~~institution or the principal or administrator of each school or~~
12 ~~institution.~~

13 ~~(b) The governing authority shall not unconditionally admit~~
14 ~~any person as a pupil of any private or public elementary or~~
15 ~~secondary school, child care center, day nursery, nursery school,~~
16 ~~family day care home, or development center, unless prior to his~~
17 ~~or her first admission to that institution he or she has been fully~~
18 ~~immunized. The following are the diseases for which~~
19 ~~immunizations shall be documented:~~

20 ~~(1) Diphtheria.~~

21 ~~(2) Haemophilus influenzae type b.~~

22 ~~(3) Measles.~~

23 ~~(4) Mumps.~~

24 ~~(5) Pertussis (whooping cough).~~

25 ~~(6) Poliomyelitis.~~

26 ~~(7) Rubella.~~

27 ~~(8) Tetanus.~~

28 ~~(9) Hepatitis B.~~

29 ~~(10) Varicella (chickenpox).~~

30 ~~(11) Any other disease deemed appropriate by the department,~~
31 ~~taking into consideration the recommendations of the Advisory~~
32 ~~Committee on Immunization Practices of the federal Centers for~~
33 ~~Disease Control, the American Academy of Family Physicians,~~
34 ~~and the American Academy of Pediatrics Committee on Infectious~~
35 ~~Diseases.~~

36 ~~(c) On and after July 1, 1999, the governing authority shall not~~
37 ~~unconditionally admit any pupil to the 7th grade level, nor~~
38 ~~unconditionally advance any pupil to the 7th grade level, of any~~
39 ~~of the institutions listed in subdivision (b) unless the pupil has~~
40 ~~been fully immunized against hepatitis B.~~

1 ~~(d) The department may specify the immunizing agents which~~
2 ~~may be utilized and the manner in which immunizations are~~
3 ~~administered.~~

4 ~~SEC. 2. If the Commission on State Mandates determines that~~
5 ~~this act contains costs mandated by the state, reimbursement to~~
6 ~~local agencies and school districts for those costs shall be made~~
7 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
8 ~~4 of Title 2 of the Government Code.~~